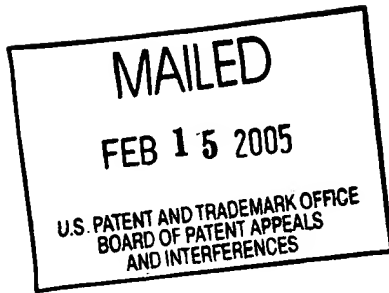


The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES



Ex parte HELMUT RUCKERT  
and HANS-GEORG KEFERSTEIN

Appeal No. 2004-2360  
Application No. 09/913,635

ON BRIEF

Before MCQUADE, NASE and BAHR, Administrative Patent Judges.  
MCQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Helmut Ruckert et al. appeal from the final rejection of claims 19 and 28 through 36, all of the claims pending in the application.

THE INVENTION

The invention relates to "a brake pad comprising a retaining spring device for the detachable mounting support of [the] brake pad on a piston of a spot-type disc brake" (specification, page 1). Representative claims 31 and 32 read as follows:

31. Brake pad and brake piston assembly, comprising:

a brake piston having an axis and an outer surface encircled by a circumferential groove,

a retaining spring coupled to a brake pad, wherein said retaining spring engages said circumferential piston groove, thereby detachably coupling the brake pad to the piston,

wherein the retaining spring includes two spring elements arranged opposite each other with respect to the piston axis, each spring element having a first spring portion which applies an axial spring force at a contact point location on opposite sides of the piston to urge the brake pad against the piston, and a third spring element arranged between said two spring elements having a second spring portion which applies a radial spring force to the brake pad at one contact point location in a vertical direction which is generally perpendicular to the piston axis.

32. Brake pad and brake piston assembly, comprising:

a brake piston having an axis and an outer surface encircled by a circumferential groove,

a retaining spring coupled to a brake pad, wherein said retaining spring engages said circumferential piston groove, thereby detachably coupling the brake pad to the piston,

wherein the retaining spring includes a spring element including three spring portions, two of the three spring portions arranged opposite each other with respect to the piston axis which applies an axial spring force at a contact point location on opposite sides of the piston to urge the brake pad against the piston, and the third spring portion arranged between the other two spring portions which applies a radial spring force to brake pad at one contact point location in a vertical direction which is generally perpendicular to the piston axis.

THE PRIOR ART

The references relied on by the examiner to support the final rejection are:

Verbeeten et al. (Verbeeten)	5,816,370	Oct. 06, 1998
Winter, German Patent Document <sup>1</sup>	197 05 803	Aug. 20, 1998

THE REJECTIONS

Claim 34 stands rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter the appellants regard as the invention.

Claims 19, 28, 29 and 31 through 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Winter.

Claims 30 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Winter in view of Verbeeten.

Attention is directed to the main and reply briefs (filed April 29, 2004 and August 5, 2004) and the final rejection and answer (mailed October 17, 2003 and June 1, 2004) for the respective positions of the appellants and the examiner regarding the merits of these rejections.

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<sup>1</sup> An English language translation of this reference, prepared on behalf of the United States Patent and Trademark Office after the appeal had been docketed at this Board, is appended hereto.

DISCUSSION

I. The 35 U.S.C. § 112, second paragraph, rejection of claim 34

Claim 34, which presumably should depend from independent claim 32,<sup>2</sup> recites "two generally U-shaped portions arranged between the three spring portions." The examiner considers this recitation to be indefinite because "it is unclear what the two generally U-shaped portions are portions of" (final rejection, page 2).

The second paragraph of 35 U.S.C. § 112 requires claims to set out and circumscribe a particular area with a reasonable degree of precision and particularity. In re Johnson, 558 F.2d 1008, 1015, 194 USPQ 187, 193 (CCPA 1977). In determining whether this standard is met, the definiteness of the language employed in the claims must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. Id.

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<sup>2</sup> As currently written, claims 34 and 35 depend from themselves. For purposes of the appeal, and consistent with the remarks in footnotes 3 and 4 on page 17 in the appellants' main brief, we view claim 34 as depending from claim 32 and claim 35 as depending from claim 34. In the event of further prosecution, claims 34 and 35 should be formally amended to reflect the proper dependency.

Reading claim 34 in light of the underlying disclosure, particularly the passage on page 9 of the specification describing spring 4 as having three spring portions 4b, 4d and 4f and "[t]wo generally U-shaped portions 4c, 4e . . . between these three spring portions," it is evident that the recitation of the "two generally U-shaped portions arranged between the three spring portions" refers to portions of the retaining spring recited in parent claim 32. The examiner's position (see page 4 in the answer) that claim 34 might also be interpreted as referring to portions of the brake pad, specifically elements 13b and 13c, is belied by the foregoing description of the generally U-shaped portions in the specification and the accompanying description of elements 13b and 13c as "retaining members."

Hence, we shall not sustain the standing 35 U.S.C. § 112, second paragraph, rejection of claim 34.<sup>3</sup>

II. The 35 U.S.C. § 102(b) rejection of claims 19, 28, 29 and 31 through 35 as being anticipated by Winter

Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency,

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<sup>3</sup> As alluded to by the examiner (see page 4 in the answer), the preambles of dependent claims 19, 28 through 30 and 33 through 36 ("The brake pad . . .") are inconsistent with the preambles and subject matter recited in independent claims 31 and 32 ("Brake pad and brake piston assembly"). In the event of further prosecution, this inconsistency should be corrected.

each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Winter discloses a brake pad and piston assembly comprising a floating caliper (not shown), a brake support 3, a piston 2 having a circumferential groove 5, a brake shoe 9 composed of a friction pad 6 and a pad support plate 1 having outer parts 7 engaging matched recesses 8 in the brake support 3, and a wire spring 4. The wire spring fixes the pad support plate 1 to the piston 2 and suppresses rattling sounds:

wire spring 4 has a central, partially circular part 4a with which it is engaged with groove [5] over a peripheral angle of more than 180°. Wire spring 4 is thus fixed in the axial direction. It can rotate about piston 2, however, which assures that both outer parts 7 of pad support plate 1 are subjected to essentially equal vertical forces in the closed position.

Mirror-symmetrically shaped arms 4b extend from partially circular part 4a of wire spring 4 in the direction of the outer parts 7 of pad support plate 1. At their ends, these arms 4b have outward-bent parts 4c (Figure 2) and, adjoining the latter, downward-bent parts 4d (Figure 1).

With an appropriate shape and an appropriate design of the spring forces, a wire spring is thus created which is capable of holding pad support plate 1 in place relative to piston 2, by virtue of the fact that downward-bent parts 4d exert axial forces directed towards piston 2, and outward-bent parts 4c exert vertical forces acting on the upper side surface of pad support plate 1.

As a result of the latter-mentioned forces, a direct bracing between pad support plate 1 and brake support 3 is achieved and, indirectly, a bracing as well between the floating caliper and brake support 3,

because the reaction forces are transferred via piston 2 and the cylinder to the floating caliper [translation, page 4].

In applying Winter against independent claims 31 and 32, the examiner finds that Winter's spring 4

includes two spring elements arranged opposite each other with respect to the piston axis, each spring element having a first spring portion 4a which applies an axial spring force at a contact point location on opposite sides of the piston to urge the brake pad against the piston, and a third spring element arranged between said two spring elements having a second spring portion which applies a radial spring force to the brake pad at one contact point location in a vertical direction which is generally perpendicular to the piston axis [final rejection, pages 2 and 3].

Presumably, the "third spring element" mentioned by the examiner is the central bottom portion of the circular part 4a of Winter's wire spring 4. Winter, however, does not disclose that this portion of the spring 4 applies a radial spring force to the brake pad at one contact point location in a vertical direction which is generally perpendicular to the piston axis as recited in claims 31 and 32. Instead, and as indicated above, Winter specifically teaches that axial forces are exerted on the brake pad by downward-bent spring parts 4d and that vertical forces are exerted on the brake pad by outward-bent spring parts 4c. The examiner's unsupported conjecture as to the radial spring force properties of Winter's circular part 4a is not well taken.

Accordingly, we shall not sustain the standing 35 U.S.C. § 102(b) rejection of independent claims 31 and 32, and dependent claims 19, 28, 29 and 33 through 35, as being anticipated by Winter.

III. The 35 U.S.C. § 103(a) rejection of claims 30 and 36 as being unpatentable over Winter in view of Verbeeten

As the citation of Verbeeten for its disclosure of a brake pad damping plate does not cure the foregoing deficiencies of examiner's application of Winter against parent claims 31 and 32, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of dependent claims 30 and 36 as being unpatentable over Winter in view of Verbeeten.

IV. Remand to the examiner

This application is remanded to the examiner to consider whether the teachings of Winter, as expressed in the appended translation, form the basis for a prior art rejection of any of the appealed claims. By way of example, the subject matter recited in independent claims 31 and 32 arguably is anticipated by Winter with Winter's downward-bent parts 4d, which exert axial forces directed towards piston 2, meeting the limitations in claims 31 and 32 relating to the two spring elements or portions, and Winter's outward-bent parts 4c, which exert vertical forces acting on the upper side surface of pad support plate 1, meeting



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Application No. 09/913,635

the limitations in claims 31 and 32 relating to the third spring element or portion.<sup>4</sup> Appropriate prior art rejections should be entered in the event the examiner determines that any of the appealed claims are unpatentable over Winter taken alone or in combination with other references.

#### SUMMARY


The decision of the examiner to reject claims 19 and 28 through 36 is reversed and the application is remanded to the examiner for further consideration.

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<sup>4</sup> The arguments in the briefs that the retaining spring limitations in claims 31 and 32 distinguish over the wire spring 4 disclosed by Winter because the spring 4 is a one-piece construction are not commensurate with the broad scope of both the subject claim limitations and the dictionary definitions offered in support of the arguments.

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Application No. 09/913,635

REVERSED and REMANDED

  
JOHN P. MCQUADE

JOHN P. MCQUADE  
Administrative Patent Judge

  
JEFFREY V. NASE

JEFFREY V. NASE  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

JENNIFER D. BAHR

JENNIFER D. BAHR  
Administrative Patent Judge

JPM/gjh

Appeal No. 2004-2360  
Application No. 09/913,635

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PTO 05-787

German Patent No. 197 05 803 A1

SPRING ELEMENT FOR MOUNTING A BRAKE PAD PLATE FOR A DISK BRAKE

Klaus Winter

UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. NOVEMBER 2004  
TRANSLATED BY THE RALPH MCELROY TRANSLATION COMPANY

1

FEDERAL REPUBLIC OF GERMANY  
GERMAN PATENT OFFICE  
PATENT NO. 197 05 803 A1  
Offenlegungsschrift

Int. Cl.<sup>6</sup>: F 16 D 65/097  
File No.: 197 05 803.5  
Filing Date: February 15, 1997  
Date Laid Open to Public Inspection: August 20, 1998

SPRING ELEMENT FOR MOUNTING A BRAKE PAD PLATE FOR A DISK BRAKE  
[Federelement zur Halterung einer Bremsbelagplatte bei einer Scheibenbremse]

Inventor: Klaus Winter  
Applicant: ITT Manufacturing Enterprises, Inc.  
Publications to be Considered in  
Determining Patentability: DE 43 18 744 C1  
DE-AS 12 23 633  
DE 43 31 633 A1  
DE 41 16 502 A1  
US 44 87 296

The following particulars are published in the form submitted by the applicant.

The invention pertains to a spring element for the detachable mounting of a brake shoe consisting of a pad support plate and a friction pad on the piston of a hydraulic actuation unit for a disk brake with brake support and floating caliper.

Such spring elements often consist of a spring steel sheet that is fastened to the pad support plate at its central part and engages with two or more arms bent in a circumferential groove formed on the inside of the cup-shaped piston (DE 41 16 502 A1; DE 43 18 744 C1). This design has proven itself, but requires a certain axial installation space in the piston that is not always available or, in order to obtain a compact construction, is to be reduced to such an extent that the bent arms can have only an axial extension that is insufficient for an optimal matching of spring and retaining forces.

Therefore, a spring steel sheet has been proposed in which the arms engage in a circumferential groove on the outside of the piston (DE 196 01 435, not yet published). This

solution brings advantages only if more axial installation space is available on the outside of the piston than on the inside. Since a sealing bellows that demands a certain axial installation space is usually provided between the piston exterior and the cylinder, this condition is met only in exceptional cases.

Accordingly, there exists the problem of proposing a spring element for the application purpose mentioned initially that does not have the aforementioned disadvantages, can be produced economically and permits simple assembly and disassembly of the brake shoe. A tension between the floating caliper and the brake pad support should also be achieved so that a relative motion of these components due to external shocks, with mutual impacts and clattering, can be avoided when the brake is not being operated.

To solve these problems, a spring element of this class is proposed that is characterized in that the spring element consists of a wire spring that engages with a central, partially circular part in an external circumferential groove of the piston and comprises two mirror-symmetrically shaped arms that extend from the central part into the radially outer parts of the pad support plate and that, at their ends, each comprises a part bent radially outward and downward, their shaping and spring force being matched together such that the pad support plate can be pressed axially against the end face of the piston and vertically against the brake support.

The wire spring of the invention can be produced economically and need not be permanently joined to the pad support plate. The piston need not be machined by cutting on the inside. The groove required on the outside can be cut by a simple turning process during the required machining of the piston exterior. The axial installation space required for it is only slightly larger than the diameter of the wire spring. Moreover, the groove in the piston for the wire spring represents an additional throttle point for the heat transfer from the brake shoe to the brake fluid and, unlike known spring elements, there is the additional achievement that the floating caliper, axially movable relative to the brake support, is indirectly pressed against the brake support by means of the wire spring.

It is true that a wire spring for axially pressing a brake support plate against the inside surface of the floating caliper that is arranged parallel to the brake disk has already been proposed (DE 43 31 633 A1); with a central part wound in the manner of a rhombus it extends behind projections on the brake support plate and is supported with outward-extending arms on the outside surface of the floating caliper when it is turned 90° about the projections from the vertical "open position" into the horizontal "closed position." This wire spring is not suitable for the brake shoe arranged on the piston, because the room for movement for the wire spring would have to be provided between piston and pad support plate, which contradicts the desire for saving axial installation space, and because the ordinary arrangement of bolts in such disk brakes would prevent pivoting of the wire spring by 90°. Apart from that, at least one arm in the known wire

spring would have to bend elastically very far outwards if the wire spring is to be pivoted past the outside surface of the floating caliper. There also exists the danger that the rhomboidally wound center part may spring out of its mount behind the projection, and that the pivoting of the wire spring will not lead to a pressing of the axially outer brake shoe against the floating caliper. Furthermore, no initial tension between floating caliper and brake support is achieved.

By contrast, an operationally secure mount between piston-side brake shoe and the end face of the piston, as well as tension between floating caliper and brake support, can be produced very easily with the wire spring of the invention.

Advantageous elaborations of the concept of the invention are described in the subordinate Claims 2-8. Further details will be explained in greater detail on the basis of the embodiment presented in Figures 1 and 2.

Figure 1 schematically shows half a side view, partially in cross section, of the parts of a disk brake that are relevant here,

Figure 2 schematically shows a partial plan view of the disk brake according to Figure 1, also in cross section.

In the illustrations of Figures 1 and 2, all parts that have nothing directly to do with the invention were omitted. That includes the brake disk and the floating caliper surrounding the brake disk at its periphery. These components can be deduced directly from the documents cited regarding prior art and are also familiar to the person skilled in the art. Furthermore, only one half of the mirror-symmetrical parts were drawn in each case.

Arranged on either side of the brake disk, not shown, the illustrated disk brake possesses brake shoes 9, each consisting of a pad support plate 1 and a friction pad placed thereon. Pad support plate 1 has a roughly trapezoidal central part, onto which friction pad 6 is mounted, and hammerhead-shaped outer parts 7 that engage from above in matched recesses 8 of brake support 3 and serve to transfer the braking torques from the brake pad plate to the brake support 3, which is immobile on the vehicle. Piston 2 extends perpendicular to the friction surface of brake pad plate 9 and is guided in a cylinder, not shown, which is functionally a part of the hydraulic actuation unit and is usually formed in one piece with the floating caliper. The floating caliper is ordinarily seated on brake support 3 so as to be axially movable within a bolt guide in the operating direction of piston 2. With regard to further details, the reader is referred to the publications cited with regard to prior art.

Recess 8 in brake support 3 extends at least over the entire operating area of pad support plate 1 axially parallel to the movement direction of piston 2, so that pad support plate 1 can move perpendicular to the brake disk without leaving the guide formed by recess 8.

In the front end of piston 2 facing pad support plate 1, a circumferential groove 5, whose size is matched to the cross section of wire spring 4, is cut, a slight distance from the end face.

This wire spring 4 has a central, partially circular part 4a with which it is engaged with groove 4 [sic; 5] over a peripheral angle of more than 180°. Wire spring 4 is thus fixed in the axial direction. It can rotate about piston 2, however, which assures that both outer parts 7 of pad support plate 1 are subjected to essentially equal vertical forces in the closed position.

Mirror-symmetrically shaped arms 4b extend from partially circular part 4a of wire spring 4 in the direction of the outer parts 7 of pad support plate 1. At their ends, these arms 4b have outward-bent parts 4c (Figure 2) and, adjoining the latter, downward-bent parts 4d (Figure 1).

With an appropriate shape and an appropriate design of the spring forces, a wire spring is thus created which is capable of holding pad support plate 1 in place relative to piston 2, by virtue of the fact that downward-bent parts 4d exert axial forces directed towards piston 2, and also of pressing pad support plate 1 against brake support 3, by virtue of the fact that outward-bent parts 4c exert vertical forces acting on the upper side surface of pad support plate 1.

As a result of the latter-mentioned forces, a direct bracing between pad support plate 1 and brake support 3 is achieved and, indirectly, a bracing as well between the floating caliper and brake support 3, because the reaction forces are transferred via piston 2 and the cylinder to the floating caliper.

With the wire spring of the invention, therefore, not only is the desired fixation of pad support plate 1 onto piston 2 achieved, but simultaneously also a permanently acting bracing between the involved components, so that rattling sounds while the brake is inactive are effectively suppressed. The wire spring is extremely economical in terms of production technology, requires no special fastening to the pad support plate and permits very easy assembly and disassembly of the piston-side brake pad plate 9.

### Claims

1. Spring element for detachable mounting of a brake pad plate (9) consisting of pad support plate (1) and friction pad (6) onto piston (2) of a hydraulic actuation unit for disk brake with brake support (9) and a floating caliper, characterized in that the spring element consists of a wire spring (4) that engages with a central, partially circular part (4a) in an external circumferential groove (5) of piston (2) and comprises two mirror-symmetrically shaped arms (4b) that extend from central part (4a) into the radially outward parts (7) of pad support plate (1) and each comprises a part (4c, 4d) bent axially outwards and downwards, their shaping and spring force being matched such that pad support plate (1) can be pressed axially against the end face of piston (2) and vertically against brake support (3).





Fig. 2

